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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,908	06/07/2001	Holm Hofestaedt	449122004700	7717
25227	7590	02/21/2006		
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER HOANG, THAI D	
			ART UNIT 2668	PAPER NUMBER

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,908

Applicant(s)

HOFESTAEDT ET AL.

Examiner

Thai D. Hoang

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/02/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

HANH NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable by Eitzenberger, US Patent No. 6,023,232, in view of Elestedt, US Patent No. 5,740,046. hereafter referred to as Eitzenberger and Elestedt respectively .

Regarding claims 1 and 4, Eitzenberger discloses a vehicle communications system. Eitzenberger discloses the system comprises a central vehicle computer that mediates a radio link between the vehicle and a plurality of devices, such as PDA, GPS, GSM. Fig. 1 (gateway computers which mediate the radio link between one of the vehicles and route elements in the route network at least at locations with a high density of route elements). Elestedt discloses a method to control in a track traffic system moving units. Elestedt teaches the system comprises a multiplexer, which multiplexes radio channels to communicate between a tram and a central computer, see figs. 2-3 (a multiplex channel for forming a radio link between one of the vehicle and the respective gateway computer). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the method disclosed by Elestedt in to Eitzenberger's system in order to control and reduce cost of the Eitzenberger's system because the control units in the vehicles are centralized.

Regarding claim 2, Eitzenberger teaches the vehicle enables to communicate with a plurality of wired-line and wireless devices, fig. 1 (wherein the vehicles are equipped with radio terminals, and the route elements are equipped with either radio terminals or line-bound communications terminals.)

Regarding claim 3, Elestedt discloses the system comprises at least a tram, and the central computer 4 connects with a switch control equipment 3 to perform a multiple functions including switch area, block for other tram, tram crossing..., col. 8, lines 37-64 (wherein the vehicles are trains and the route elements are railway switches, track locks, key locks, block or level crossings). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the method disclosed by Elestedt in to Eitzenberger's system for advantages as cited above with respect to claim 1.

Response to Arguments

Applicant's arguments filed on 12/02/2005 have been fully considered but they are not persuasive.

Regarding claim 1, page 3, lines 9-17 of the remarks, Applicants argue Elestedt teaches no gateway computer, because “[T]he gateway computers of claim 1 enable a one radio-transmission channel system between mobile objects and fixed positions objects.” Examiner believes that this argument is not relevant because it is directed to subject matter not found in the claim. The claim did not recite “mobile objects” and “fixed position objects” as recited in the remarks.

In addition, pages 3 and 4, Applicants argue that the central computer in the system disclosed by Elestedt is not a gateway computer. Examiner respectfully disagrees. Applicants are directed to figures 3 and 6, col. 5, line 66 – col. 6, line 20 and col. 8, lines 18-27, wherein Elestedt's central computer performs functions of a gateway.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3197. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2668

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TH

Thai Hoang

A handwritten signature in black ink, appearing to read 'H. Nguyen'.

**HANH NGUYEN
PRIMARY EXAMINER**

App No.: 09/806,908

Docket No.: 449122004700

Inventor: Holm HOFESTADT et al.

1/1

Title: COMMUNICATION SYSTEM FOR RADIO-

TRAVEL OPERATIONS

Replacement sheet



Approved

TJH
2/10/06

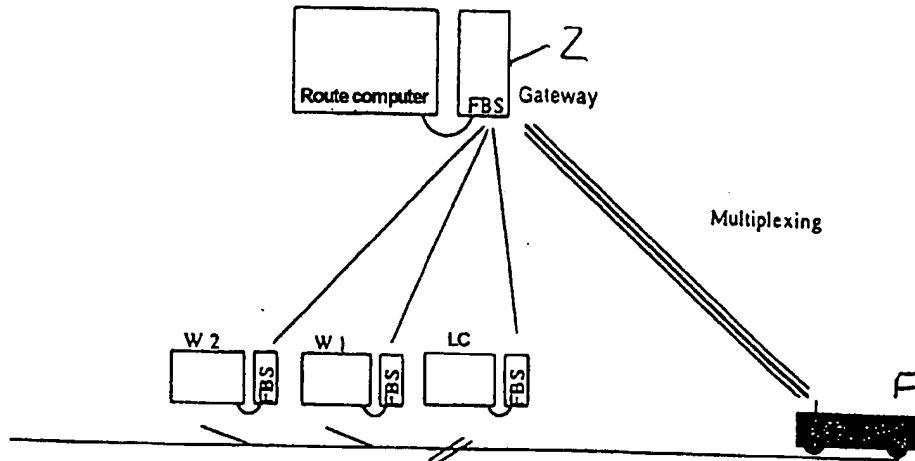


Fig. 1